

02-02-05

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Attorney Docket No. 5218-71

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Nyce et al.

Application Serial No.: 09/543,679

Confirmation No.: 6742

Filed: January 22, 2003

Examiner: Janet L. Ford Epps

For: *Low Adenosine Anti-Sense Oligonucleotide, Compositions, Kit & Method for Treatment of Airway Disorders Associated with Bronchoconstriction, Lung Inflammation, Allergy(ies) & Surfactant Depletion*

Date: February 1, 2005

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

Sir:

The above-identified application became abandoned for failure to timely file a proper reply to the Notice of Allowance mailed on October 29, 2004, which set a three month period for reply. The abandonment date of this application is February 1, 2005.

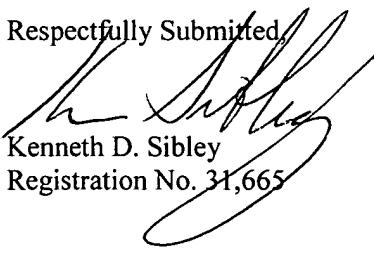
The entire delay in filing the required reply from the due date for reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

A reply to the above-noted Notice of Allowance in the form of the Issue Fee Transmittal, along with a check in the amount of \$730.00 (\$700.00 for payment of the Issue Fee plus \$30.00 for patent copies) is enclosed.

Applicant claims small entity status. Commissioner is hereby authorized to charge \$750.00 for the petition fee required under 37 C.F.R. § 1.17(m) to Deposit Account No. 50-0220. The Commissioner is authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0220.

Applicants respectfully request that the above-identified application be revived.

Respectfully Submitted,


Kenneth D. Sibley
Registration No. 31,665

USPTO Customer No. 20792

Myers Bigel Sibley & Sajovec

Post Office Box 37428

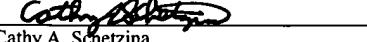
Raleigh, North Carolina 27627

Telephone: 919/854-1400

Facsimile: 919/854-1401

Express Mail Label No.: EV 473658253 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Cathy A. Schetyna

CERTIFICATE OF EXPRESS MAILING

Date of Deposit: February 1, 2005